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AUG 23 2005
 RICHARD W. WIEKING
 CLERK U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIA DE JESUS FERNANDEZ,

Defendant.

No. 05-70638 PVT

STIPULATION AND ~~PROPOSED~~ ORDER EXCLUDING TIME

SAN JOSE VENUE

On August 18, 2005, the parties in this case appeared before the Court for an arraignment. At that appearance, Assistant United States Attorney Susan Knight explained to the Court that the government has offered the defendant a "fast-track" resolution of her illegal reentry case, and that the parties are waiting for the petition relating to the defendant's supervised release violation to be transferred from the Eastern District of California to the Northern District of California. Once the supervised petition is transferred, the parties will file a Notice of Related Cases and proceed in District Court. Therefore, the parties requested that the arraignment on both cases be continued to September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. In addition,

the defendant, through her counsel, agreed to an exclusion of time under Rule 5 of the Federal Rules of Criminal Procedure and the Speedy Trial Act from August 18, 2005 to September 8, 2005. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

SO STIPULATED:

KEVIN V. RYAN
United States Attorney

DATED: _____

/s/
SUSAN KNIGHT
Assistant United States Attorney

DATED: _____

/s/
ANGELA HANSEN
Assistant Federal Public Defender

Accordingly, the Court HEREBY ORDERS that the preliminary hearing or arraignment is continued to September 8, 2005 at 9:30 a.m. before the Honorable Judge Seeborg. Good cause is shown and the continuance is proper under Rule 5 of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3060.

For good cause shown, the Court FURTHER ORDERS that time be excluded under the Speedy Trial Act from August 18, 2005 to September 8, 2005. The Court finds, based on the aforementioned reasons, that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant the requested continuance would deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

SO ORDERED.

DATED: 8/23/05 PVT


PATRICIA V. TRUMBULL
United States Magistrate Judge

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
2 "conformed" signature (/S/) within this efiled document.
3

4 DATED: _____

_____/s/_____
SUSAN KNIGHT
Assistant United States Attorney